

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JIMMY LEWIS THOMAS,

Petitioner,

CASE NO. 2:06-cv-10799

v.

PAUL D. BORMAN

DOUG VASBINDER,

UNITED STATES DISTRICT JUDGE

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR IMMEDIATE CONSIDERATION**

Petitioner Jimmy Lewis Thomas has moved for immediate consideration of his habeas corpus petition. Petitioner asserts that, contrary to Respondent's allegations, he did exhaust state remedies for his claims and any further attempt to exhaust state remedies would be futile. Petitioner further alleges that Respondent's motion to dismiss his habeas petition does not constitute a responsive pleading.

The Court addressed these arguments in a dispositive opinion that was entered several days before Petitioner filed the pending motion. Accordingly, Petitioner's motion is DENIED as moot.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: June 12, 2007

# CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on June 12, 2007.

s/Denise Goodine

Case Manager